

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1649 – HB 2176

February 4, 2014

SUMMARY OF ORIGINAL BILL: Prohibits release eligibility for attempted first degree murder that results in serious bodily injury until the offender has served 90 percent of the sentence imposed less sentence credits earned, but sentence credits cannot reduce the percent served below 80 percent.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$71,900/Incarceration*

SUMMARY OF AMENDMENT (012029): Adds new section providing that current sentencing provision only applies to violation occurring on or after July 1, 2013 and on or before June 30, 2014.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the Department of Correction (DOC), there has been an average of 41.1 admissions for attempted first degree murder over the last 10 years. It is assumed that 10 percent (4) of these resulted in serious bodily injury.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for 1 (4 x .1178) additional admission for a total of 5 (4 + 1).
- The bill requires each offender to serve no less than 80 percent of his sentence received for attempted first degree murder where the victim suffers serious bodily injury.
- Under current law, one must serve no less than 75 percent of his sentence for attempted first degree murder where the victim suffers serious bodily injury. The average sentence for attempted first degree murder is 19.76 years. Current law requires an average defendant to serve 14.82 years (19.76 years, the average sentence for attempted first degree murder x .75).
- The bill will result in each offender serving an additional 0.99 years [15.81 years (19.76 years, the average sentence for attempted first degree murder x .80, the least amount of

the sentence that must be served) – 14.82 years, the average time served for attempted first degree murder under current law].

- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2014 is \$66.29.
- According to the DOC, 32.03 percent of offenders will re-offend within one year of their release. A recidivism discount of 32.03 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (5 offenders x .3203 = 2 offenders).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on three offenders [5 offenders – 2 offenders (recidivism discount)] serving an additional 0.99 years (361.60 days) for a total of \$23,970.46 (\$66.29 x 361.60 days). The cost for three offenders is \$71,911.38 (\$23,970.46 x 3).
- The bill will not result in any additional convictions for attempted first degree murder. Rather, it enhances the punishment for certain attempted first degree murders already being committed.
- Any impact on the caseloads of the District Attorneys General Conference, the District Public Defenders Conference, or the courts can be accommodated within existing resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/trm